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IN THE CIRCUIT COURT FOR

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FREDERICK COUNTY, MARYLAND

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CIVIL NO.:

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FREDERICK COUNTY
PUBLIC SCHOOL SYSTEM

191 South East Street

Frederick, MD 21701

And

FREDERICK COUNTY BOARD OF
EDUCATION

And

MIDDLETOWN HIGH SCHOOL

200 Schoolhouse Drive

Middletown, MD 21769

And

FREDERICK HIGH SCHOOL

650 Carroll Pkwy

Frederick, MD 21701
And
OAKDALE HIGH SCHOOL
5850 Eaglehead Drive, Ijamsville, MD
21754
And
PRINCIPAL BERNARD QUESADA
Middletown High School
200 Schoolhouse Drive
Middletown, MD 21769
And
VICE PRINCIPAL
ERIC SCHWARZENEGGER
Middletown High School
200 Schoolhouse Drive
Middletown, MD 21769
And
Dr. DANIEL LIPPY
DIRECTOR SCHOOL MANAGEMENT
191 South East Street
Frederick, MD 21701
And
JAIME ALIVETO
EXECUTIVE DIRECTOR
191 South East Street
Frederick, MD 21701
And
MICHAEL De SIMONE
ATHLETIC DIRECTOR
Middletown High
200 Schoolhouse Drive
Middletown. MD 21769
And
THERESA R. ALBAN
SUPERINTENDENT
191 South East Street
Frederick, MD 21701
And
E.J. WALLACE
ASSISTANT COACH FREDERICK HIGH
650 Carroll Pkwy
Frederick, MD 21701
And
COACH BILL STOOPS of

FREDERICK HIGH SCHOOL
650 Carroll Pkwy
Frederick, MD 21701

And

KEVIN KENDRO
ATHELETIC COORDINATOR
Middletown High School
200 Schoolhouse Drive
Middletown, MD 21769

And

REFEREE HENRY JIGGETTS
Address Unknown

And

UNKNOWN FREDERICK HIGH
PLAYER A.

Address Unknown

And UNKNOWN FREDERICK
HIGH PLAYER B.

Address Unknown

And

GIRL X

Address Unknown

*

Defendants

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AMENDED COMPLAINT { COMPARISON COPY }

1. The Plaintiffs, Vince Flook III, et al. by and through their attorneys, Loyd Byron Hopkins and Loyd B. Hopkins, P.C., and pursuant to MD Rules 2-101 et seq., files this Complaint and states:

JURISDICTION

2. This action and complaint arose out of events that occurred in Middletown , MD , Frederick County, Maryland.
3. This action is brought pursuant to the Maryland Declaration of Rights, ~~42 U.S.C. §§1983~~ and 1988 and the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. Jurisdiction is founded upon the situs of the claims and their nature and the aforementioned constitutional and federal statutory provisions. Plaintiffs further invoke the concurrent jurisdiction of the Maryland State Courts to hear and decide State and Federal claims arising out of the law of the State of Maryland and the United States.
4. Notice of Claim was made and served upon Frederick County Board of Education and Frederick County Public Schools (FCPS) , Frederick County, and the State of Maryland in accordance with the Maryland Local Government Tort Claims Act, and Maryland Tort Claims act. It should be noted that despite having more than 180 days to investigate this claim Defendant FCPS has neither accepted nor denied liability nor have they indicated the result of their statutory required investigation.

INTRODUCTION

5. This Complaint contains a recount of a race hoax, defamation including libel and slander, , racial assault, assault, discrimination and civil rights violations based in ~~42 USC 1983~~. Plaintiffs are seeking damages for a 9/10/ 2021 incident from 11 separate defendants based upon 10 different causes of action.
6. Accordingly, this Complaint has consolidated the Plaintiffs and Defendants, respectively, and broken down the Counts by cause of action and incident, which yields approximately 10 separate counts.
7. The incident is based upon a false racial slur allegation, and insinuation that Plaintiff Vince Flook III was a racist and these torts were done under the color of law, while the Wrongdoers were conducting FCPS and Board of Education , business. Defendants ‘agent /employees actions were committed while in uniform, and on Defendants’ real property, and Plaintiff was participating in athletic activities under the auspices of Defendants FCPS and Frederick County Board of Education.

PARTIES

8. Plaintiff, Vince Flook III is a white male adult presently, but was a Minor at all relevant times pertinent to this Complaint and the allegations herein, who was participating in activities sanctioned by the FCPS in Frederick County, Maryland. Specifically, Plaintiff, Vince Flook III was playing football for Middletown High school against Frederick High on 9/10/21 in Frederick County, MD. The remaining Plaintiffs are his Father, Mother and minor baby brother. All Plaintiffs have been damaged and adversely affected by Defendants direct and indirect actions and omissions and negligent and intentional acts of defamation, and associated torts.
9. Defendants, FCPS and Frederick Board of Education oversees the State and County school system and its extracurricular sports activities and is responsible for its employees/agents doing the work/ business of the FCPS at all times relevant to this complaint and is still at the present time, and runs and oversees activities at Defendants Frederick High, Middletown High and Oakdale High.
10. Defendants, FCPS and Frederick Board of Education, agents and employees: Bill Stoops, E.J. Wallace, Bernard Quesada, Eric Schwarnegger, Dr. Daniel Lippy, Jaime Aliveto, Teresa Alban, Michael De Simone and Kevin Kendro all committed tortious acts against the Plaintiffs and Defendants are vicariously liable for the actions, omissions and tortious conduct of their agent / employees and run, supervise and oversee the athletic programs run on its real property. Defendants, FCPS and Frederick Board of Education is responsible for its system, minors in its custody inside the athletic fields and is responsible for its agents/ employees doing its business, at all times of the events in this Complaint.
11. Defendant, Henry Jiggitts, is a referee, and presided over the football game between Frederick High and Middletown High and threw the flag after he allegedly heard the racial slur that he could attribute to no one; that started and initiated this act of defamation and racial hoax, at all times relevant to this Complaint.
12. Defendants Player A, and Player B, are/were minors students and players of Frederick High School, and purportedly said that Plaintiff, Vince Flook had made a racial slur to Black football players from Frederick High, at all times relevant to this Complaint.
13. Defendant, Girl X is/was a minor student at Oakdale High and designed, made, wrote a sign / placard which she displayed in public stating and saying "VINCE IS A RACIST" on the real property of Oakdale High and is owned and operated by Defendants, FCPS and Frederick Board of Education, and Oakdale High. Girl X's statement of fact about Plaintiff, Vince Flook III was false and defamatory and was made in reckless disregard for the truth. Girl X was under the direct, control, and supervision of Oakdale High school personnel and Defendants, FCPS and Frederick Board of Education, at all times relevant to this Complaint, and permitted and allowed her defamatory actions/ conduct.

14. Defendant, E.J. Wallace is a football coach at Frederick High, and was an agent /employee of Frederick High and FCPS and Frederick Board of Education. Defendants Frederick High, FCPS and Frederick Board of Education are vicariously liable for his actions. E.J. Wallace , threatened a minor/ student namely, Plaintiff, Vince Flook III and said to then Minor while on the real Property of Defendants Frederick High , FCPS and Frederick Board of Education “ Shut yo Bitch Ass Up Nigga”. A verbal threat, racial assault and racial slur. He is also alleged to be the true source of the racial slur heard and uttered during the handshake line, but falsely attributed to Plaintiff , Vince Flook III , at all times relevant to this Complaint.

STATEMENT OF FACTS

15. On or about September 10, 2021 Plaintiff, Vince Flook III was playing in a football game pitting Middletown High vs. Frederick High. It is relevant that Middletown High consists of mostly white players and Frederick High players were mostly black and/or African American. During the game it is relevant that the Frederick High players were frequently and indiscriminately calling players on both sides “nigger “ and “nigga”. Middletown High won the game, the final score was 35-33. After the game both sides participated in the “handshake” line, whereby each member of both sides shake hands and usually makes greetings of sportsmanship or small talk. Plaintiff , Vince Flook III went through the line shaking each Frederick High school player’s hand and saying “ Not Today” to each. Plaintiff greeted some 40 Frederick High Players exactly the same with no incident. At the end of the line, an Adult black/ African American Frederick High coach, positively identified as E.J. Wallace, angrily confronted Minor, Plaintiff Vince Flook III telling Plaintiff : “ Shut yo Bitch Ass Up Nigga”. Plaintiff was stunned and hurt by the comment but did nothing and continued on his way to the 30 yard line and waited for the team to assemble. Middletown assembled as a complete team and spoke together for 5 minutes. In the Middletown locker room, Vince told the head and assistant coaches exactly what had transpired in the Line , specifically the “ Not Today “ statement he made and the confrontation and slur issued by E.J. Wallace towards the minor, Vince Flook III. Vince Flook III was asked directly by his head coach if Vince had made any racial slurs and Vince said “ No, Sir”, several times. Frederick High coach, E.J. Wallace had issued a racial slur at Vince Flook III. Unbeknownst to Plaintiff, Vince Flook III at the time, was that AFTER the Frederick High, African American , adult coach had called him a “Nigga”; a referee for the game whose back was turned away and was walking away from the handshake line claimed to have heard the word “nigger” and believed it came from the Middletown side despite having no direct knowledge of who said “nigger” and witnessing no one say “nigger”. The Referee threw a flag after the fact and assumed a Middletown high player had said “nigger”. Plaintiff Vince Flook III was absolutely stunned and hurt to hear he was being falsely accused of making a vile , racial slur notwithstanding the fact and truth that a slur has been issued at him by adult coach E.J. Wallace and that the Frederick High players and coaches (Including E.J. Wallace) were now stating that Vince had called blacks in the Line “Nigger”. Vince was scared, concerned and depressed the rest of the weekend by the false and malicious lie and false statement of fact made against him by the Frederick High school players and coaches. On

Monday Plaintiff learned that despite the fact and the truth, Middletown High , Principal Bernie Quesada, had suspended him for 3 games for allegedly calling Frederick High players “nigger”. Plaintiff Vince Flook was crying, mad, angry and mystified that he was being falsely accused of making a racial slur and calling blacks “nigger” when no such thing had happened . Vince again had prior to the suspension, expressed and told the Principal and Assistant Principal what had happened and made a statement/ recount orally and in writing. Both his oral and written statement contained the disclosure that adult Frederick High coach E.J. Wallace had issued a threat against him and told Vince to “Shut yo Bitch Ass Up Nigga.” This truth was again wrote in the written statement and submitted to them stating the truth and the facts. This oral and written statement to the FCPS, Middletown Principal Bernard Quesada and Vice Principal Eric Schwarenegger was ignored and was not investigated and Vince was suspended for 3 games notwithstanding the truth and the actual facts. The Flook family appealed the suspension. The FCPS suspended Vince for 14 days based on a lie and false racial slur allegation. The 3 game suspension was ultimately reduced to 2 games. Meanwhile, FCPS and its agents employees publicly made it known to third parties in the community all over Frederick County , orally and in writing that Plaintiff, Vince Flook III had called blacks from Frederick High “nigger” and was a racist. This false statement of fact was communicated far and wide through the public Frederick County community by Defendants actions, and adversely affected ALL PLAINTIFFS , not just Vince Flook III. Defendants’ defamation was manifested at a football game between Oakdale High and Middletown High. At the game , Oakdale students and members of the public held up signs stating “ VINCE IS A RACIST”, publicly defaming Plaintiffs. Additionally, after the Oakdale defamation incident , members of Frederick High school went searching for Vince at a local youth sport football game , and both kids and parents of Frederick High verbally threatened other Middletown youth and parents with harm specifically searching to commit acts of violence against Plaintiff, Vince Flook III for the false assertion and allegation that Vince called Frederick High players “nigger”. Plaintiffs wrote and delivered a written tort claim notice upon FCPS , the Frederick Board of Education and the State of MD. All events occurred in Frederick County , MD. Again a Tort claims notice was provided to all Defendants. Defendants were allocated the 180 day period for an investigation pursuant to statute; however, Defendants have REFUSED to disclose the results of their investigation .

16. All Defendants, pursuant to Maryland Law, their contractual obligations, professional obligations and morally and ethically, had a duty and obligation not to assault or threaten Plaintiff Vince Flook III or defame or discriminate against him.
17. The defamation, assault and discrimination alleged in this complaint, committed by the Defendants, was committed recklessly and / or negligently despite their legal and ethical duty and obligation, and constitute a breach of those legal duties and obligations.

18. All Defendants, pursuant to Maryland Law, their contractual/professional obligations, and morally and ethically, owed a duty of ordinary care and a heightened duty of care because Plaintiff, Vince Flook III was a minor at the time of this incident and tortious conduct by Defendants and their individual and collective efforts and actions violated said duties of care.
19. Defendants did not conduct a good faith investigation before suspending Plaintiff, Vince Flook III and violating his civil rights, as well as defaming him and his family. Defendants also failed to investigate E.J. Wallace's threats, verbal assault, racial slur and defamation directed against Plaintiffs, and discriminated against Plaintiff, Vince Flook III.

COUNT I
NEGLIGENT HIRING, RETENTION, OR SUPERVISION
 (Plaintiffs V. Defendants)

20. Plaintiffs hereby incorporates by reference each and every allegation contained in paragraphs 1 through 19.
21. A Contractual and/or Professional employment relationship existed between Defendants Frederick County Public School System (FCPS), the Frederick Board of Education and the above named Defendants.
22. An employment relationship existed between Defendants.
23. Defendants FCPS, and Frederick Board of Education, owed/had duty of ordinary care and supervision of its agents/ employees and coaches, especially E.J. Wallace pursuant to his employment with Defendants, and Defendants' acts or omissions proximately caused Plaintiffs' injuries in breach of Defendants' duties. Defendants breached their duty of ordinary care when it allowed Defendant E.J. Wallace, and other named Defendants to defame and slander and/ or libel, threaten, and assault Plaintiff and did nothing to stop E.J. Wallace's false racial slur allegation and race hoax despite knowledge that given the totality of the factual circumstances that Defendant, E.J Wallace's and other Defendants accusations were unreliable, inconsistent, remote and likely untrue. Additionally, given Defendant, E.J. Wallace was an adult, he was a clear and present danger to Plaintiff, and Defendants FCPS and Frederick Board of Education breached their duty of ordinary care by allowing E.J. Wallace to verbally assault and threaten a minor child with threats of harm and violence at a football game on their real property and under their auspices, as well as creating a race hoax and false racial slur accusation to defame Plaintiffs. Defendant E.J. Wallace's statement to minor Plaintiff, Vince Flook III; "Shut yo Bitch Ass Up Nigga", is a racial slur, threat of violence and racial assault, illegal under criminal law and punishable civilly and administratively by Defendants, yet they did absolutely nothing, in direct violation of MD law and statute.

24. Defendants FCPS and Frederick Board of Education knew or should have known by the exercise of diligence and reasonable care and supervision that Defendants agents/ employees were capable of inflicting harm of the type described throughout this Complaint.
25. That Defendants FCPS and Frederick Board of Education failed to use proper care in selecting, supervising and/ or retaining Defendants agents and employees named in this complaint.
26. Defendants were negligent and/or reckless and their conduct was intentional and malicious on September 10, 2021, by permitting and committing psychological and emotional harm to the Plaintiffs via defamation, slander/ libel, discrimination, assault, racial assault, ~~and 1983 civil rights violations.~~
27. Defendants FCPS and Frederick Board of Education had actual or constructive knowledge of the negligence, incompetence, and intentional acts of their employees / agents to perform the tasks required of them, and had actual and/or constructive knowledge that their agents/ employees actions/ accusations were false, wrong and defamatory when they adopted and endorsed their defamation and threats.
28. Defendants FCPS and Frederick Board of Education had a duty to use reasonable care in hiring or retaining and the supervision of competent employees / agents who were fit for the work assigned to them.
29. Defendants FCPS and Frederick Board of Education breached their duty to use reasonable care in hiring or retaining and/ or supervising competent employees / agents who were fit for the work assigned to them.
30. Defendants FCPS and Frederick Board of Education, breach of duty and care directly and proximately caused Plaintiffs' injuries, emotional and financial harm. Defendants are mandatory reporters of any act abuse involving a minor that they become aware of on their property yet never reported their agent's act of abuse, and threat of violence to a minor, or his racial assault and racial slur to a minor in violation of law and statute.
31. Defendants' agents/ employees conduct caused Plaintiffs financial and emotional harm, and harm to reputation and character.
32. As a direct and proximate result of Defendants' conduct, Plaintiffs were caused to suffer \$100,000,000 (one hundred million dollars) in economic and non-economic damages.

WHEREFORE, Plaintiffs demand a monetary judgment, equitable relief, punitive damages, and other relief against Defendants as set forth in the Prayer for Relief.

COUNT II

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Plaintiffs v. Defendants)

33. Plaintiffs incorporates by reference the allegations contained in paragraphs 1 through 32.
34. The actions of Defendant E.J. Wallace , of assault, racial assault, threats , intimidation, slander and defamation were intentional, malevolent , reckless, extreme and outrageous, as well as malicious, causing severe emotional distress to Plaintiffs, and caused Plaintiffs to suffer depression, and post traumatic stress disorder ;thereby, harming their psychological and psychiatric conditions for which Plaintiffs have been evaluated and diagnosed Moreover, E.J. Wallace's deplorable actions were on the job, while uniformed and under the color of State law, violating Plaintiff's character and his civil rights. Defendants are vicariously liable for the actions of their agent and employee; namely E.J. Wallace, Bernard Quesada, Dr. Daniel Lippy, Jaime Aliveto, Theresa Alban, and Michael De Simone.
35. Defendants' conduct caused Plaintiffs psychological and severe emotional harm, and E.J. Wallace's employers the other named Defendants are vicariously liable for the conduct of their agent/ employees, during the course of their employment.
36. As a direct result and proximate result of Defendants' conduct, Plaintiffs were caused to suffer \$100,000,000 (one hundred million dollars) in economic and non-economic damages and severe emotional distress.

WHEREFORE, Plaintiffs demands a monetary judgment, equitable relief, punitive damages, and other relief against Defendants as set forth in the Prayer for Relief.

COUNT III
ASSAULT

(Plaintiff Vince Flook III v. Defendants and E.J. Wallace)

37. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 36.
38. Defendants FCPS and Frederick Board of Education are the employers of E.J. Wallace , and as employers the other named Defendants Frederick High , are vicariously liable for the acts of their agents/ employees while on the job and in uniform, and E.J. Wallace intentionally, unlawfully and without provocation, threatened to physically harm Plaintiff and intended physical harm to Plaintiff without his consent, causing significant and reasonable fear of physical and mental injuries, and caused emotional and psychological injury to him. Defendant E.J. Wallace's threat " Shut yo Bitch Ass Up Nigga" to Plaintiff , Vince Flook III was an abusive racial slur and racial assault. E.J. Wallace's threat placed Plaintiff, Vince Flook III in a state of fear, confusion and depression.
39. Defendants' conduct caused Plaintiff psychological and emotional harm and was

reckless, gross and intentional, malevolent and malicious. Defendants are vicariously liable for the actions of their employee, and E.J. Wallace is an employee/agent of Frederick High, FCPS and Frederick County Board of Education.

40. As a direct result and proximate result of Defendants' conduct, Plaintiff was caused to suffer \$100,000,000 (one hundred million dollars) in economic and non-economic damages.

WHEREFORE, Plaintiff demands a monetary judgment, equitable relief, punitive damages, and other relief against Defendants as set forth in the Prayer for Relief.

COUNT IV
NEGLIGENCE
(Plaintiffs v. Defendants)

41. Plaintiffs incorporates by reference the allegations contained in paragraphs 1 through 40.
42. Defendants FCPS and Frederick Board of Education are the employers of all named Defendants in this matter, but especially, Frederick High, Middletown High and Oakdale high, E.J Wallace, Bernard Quesada, Eric Schwarnegger, Dr. Daniel Lippy, Jaime Aliveto, Theresa Alban, Micheal De Simone, and Kevin Kendro.
43. All Defendants owed/had a duty to Plaintiffs and FCPS and Frederick Board of Education, Frederick High, Middletown High and Oakdale high had a duty to operate, supervise, and maintain people in their custody, control and minor students under their auspices with ordinary care to avoid injuring persons on their property and provide for safety of those individuals entrusted in their care and control, and on their real property engaging in sports events that they control and supervise.
44. Defendants as adults and educators also owed a special duty and/or heightened duty of care to Plaintiff Vince Flook III as a minor to protect him and do no harm to him psychologically or emotionally, and had a special duty to not defame, stigmatize and/or falsely label a child a "racist".
45. Defendants (all named) breached their duty of care to Plaintiffs by allowing Defendants' employees / agents to racially assault, assault, threaten, intimidate, defame, libel, slander, discriminate, and violate Plaintiffs' civil rights. Defendants failed to properly train and supervise Defendants' agents / employees, and in failing to take corrective action against Defendants' agents / employees for tortious acts and pattern of racial animus conduct by Defendants agents / employees against people in their control at sporting events on their playing fields; for which Defendants had actual and/or

constructive knowledge of the racial animus of Defendants' employees / agents. Defendants further fostered an atmosphere and environment conducive to and condoning false race allegations and racial hoaxes. Point in fact Defendants were so aware of the probability that the allegations against Plaintiff, Vince Flook III were probably false they completely failed to investigate the racial slur and assault allegations of agent employee E.J. Wallace, against Vince Flook III, which failure was itself a gross act of discrimination as they investigated Plaintiff and falsely labeled him a racist and punished him for a racial slur he never uttered. Defendants intentionally treated a white male differently than they treated a black male. A blatant act racial discrimination. Plaintiff is white and a minor and E.J. Wallace, is an adult black male of African American descent. Defendants' actions, omissions and breaches of duty directly and proximately harmed and damaged Plaintiffs. Defendants are mandatory reporters of acts of abuse or violence against minors, yet did nothing when made aware of agent /employee E.J. Wallace's racial assault, racial slur and threat of violence to a minor student which occurred on Defendants' real property. In fact, Defendants either intentionally and/or negligently failed to investigate Plaintiff, Vince Flook III's written and oral report of a racial assault and verbal assault being committed against Plaintiff by an adult upon a minor.

46. Defendants' individual and collective conduct caused Plaintiffs psychological injury , emotional trauma, and mental anguish, to Plaintiffs , and great inconvenience with no negligence attributable to Plaintiffs. Defendants negligently investigated the racial slur claim against Plaintiff. Defendants negligently and wrongfully concluded Plaintiff called black Football players " nigger". Defendants negligently, wrote their erroneous conclusion that Plaintiff used a racial slur and communicated that erroneous conclusion to third parties in the public orally and in writing. Defendants negligently, failed to investigate Plaintiff's allegation that Defendants' agent/ employee E.J. Wallace racial threat to Plaintiff, "Shut yo Bitch ass Up Nigga". Defendants negligently discriminated against Plaintiff, and failed to report E.J Wallace's racial assault to authorities. Defendants negligently covered up E.J Wallace's racial assault. Defendants negligently punished Plaintiff for uttering a racial slur that he never said. Defendants negligently created an atmosphere and exposed Plaintiff and his family to public scorn , hatred and derision, and harassment and threats of violence by members of the public from Frederick High. Defendants negligently defamed Plaintiff and his family and created a hostile public environment ripe for acts of hatred and violence to be perpetrated against Plaintiffs on Defendants' real property and school grounds as well in the general Frederick County community. Defendants negligent acts were designed to destroy and stigmatize Plaintiffs' reputation and character in the Frederick community.
47. As a direct result and proximate result of Defendants' negligence, Plaintiffs were caused to suffer \$100,000,000 (one hundred million dollars) in economic and non-economic damages.

WHEREFORE, Plaintiffs demands a monetary judgment, equitable relief, punitive damages, and other relief against Defendants as set forth in the Prayer for Relief.

COUNT V
RESPONDEAT SUPERIOR

(Plaintiffs v. Defendants)

48. Plaintiffs incorporates by reference the allegations contained in paragraphs 1 through 46.
49. Defendants E.J. Wallace, Bernard Quesada, Eric Schwarnegger, Dr. Daniel Lippy, Jaime Aliveto, Theresa Alban, Kevin Kendro , Michael De Simone, Players A, and B and Girl X were employed by, or acted as the agents of, Defendants FCPS and/or Frederick Board of Education and Frederick High, Middletown High, Oakdale High or well under the control and direction of Defendants at all times relevant to this Complaint.
50. Defendants, FCPS and Frederick Board of Education, Frederick High, Middletown High and Oakdale High selected and engaged Defendants in their employment.
51. Defendants paid the individual Defendants wages for their work as coaches and school personnel and administrators , including the supervision, and well-being of people placed by Defendants' under the Defendants' care and control.
52. Defendants E.J. Wallace, Bernard Quesada, Eric Schwarnegger, Dr. Daniel Lippy, Jaime Aliveto, Theresa Alban, Michael De Simone, and Kevin Kendro acted officially in their capacity from their engagement, by Defendants, wore uniforms and acted with the apparent authority of all named Defendants, and were under the control of Defendants via employment and agency.
53. Defendants FCPS, Frederick Board of Education, Frederick High , Middletown High and Oakdale High had control over the conduct of Defendants E.J. Wallace, Player A and B and Girl X.
54. Defendants committed the acts or omissions complained of in this Complaint, either negligently or intentionally, and/or grossly and recklessly causing injuries and damages to Plaintiffs.
55. Defendants committed these acts or omissions within the scope of their employment, were performing services for which they had been engaged, or were acting in furtherance of Defendants FCPS, Frederick Board of education, Frederick High, Middletown High and Oakdale High business and/or professional interests.
56. The injuries and sustained by the Plaintiffs was a direct and proximate result from conduct that was negligently carried out by Defendants and was the kind of work they were employed to perform by Defendants FCPS, Frederick Board of Education, Middletown High, Frederick High, and Oakdale High.
57. That Defendants, were negligent and/or reckless in hiring, retaining, training, and supervising Defendants agents/ employees, and are vicariously liable for the actions of

their agent/ employees while on the job , in furtherance of Defendant's business and in uniform carrying Defendant's apparent authority.

58. The conduct in which Defendants were engaged in as Coaches and administrators for persons in their control and custody is a non-delegable duty.
59. Defendants individually named herein purported to act or to speak on behalf of the Defendants and there was reliance by Plaintiffs upon apparent authority.
60. Defendant E.J. Wallace was aided in accomplishing the tortious wrong, assaults, and defamation and racial hoax against Plaintiff by the existence of the agency relationship between Defendants.
61. That school disciplinary action and investigations was the kind of work that is commonly done by employees / agents of the Defendants.
62. As a direct result and proximate result of Defendants agents/ employees notorious and outrageous conduct, Plaintiff suffered psychological and emotional harm, was racially assaulted, and defamed while on their real property under the color of law, and Defendants carelessly, negligently and grossly and with reckless disregard for the truth falsely labeled Plaintiffs as racist and damaged their character and reputation in the community with Defendants' race hoax, and abject act of defamation
63. As a direct result and proximate result of Defendants negligent and/or intentional and malicious conduct, Plaintiffs were caused to suffer \$100,000,000 (one hundred million dollars) in economic and non-economic damages.

WHEREFORE, Plaintiffs demands a monetary judgment, equitable relief, punitive damages, and other relief against Defendants as set forth in the Prayer for Relief.

~~COUNT VI~~
~~VIOLATION OF CIVIL RIGHTS, 42 U.S.C. §1983~~
~~(Plaintiffs v. Defendants)~~

- ~~64. Plaintiffs incorporates by reference the allegations contained in paragraphs 1 through 63.~~
- ~~65. At all times material to this Complaint, the Defendants acted under color of the laws, statutes, ordinances, customs, usages, practices, and policies of the State of Maryland, County of Frederick and policies of FCPS. Defendant E.J. Wallace acting as Defendants' agent said to Plaintiff Vince Flook III, while on Defendants' real property; "Shut yo Bitch Ass Up Nigga". This was a vile and terrible verbal threat made by an adult male to a minor boy and was a verbal threat of violence, racial slur and racial assault.~~

66. ~~Defendants' actions violated the Plaintiffs' Rights under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and Maryland Constitution.~~
67. ~~Defendants' actions were deliberately indifferent to the clearly established Rights of the Plaintiffs, and were intentional and/or grossly negligent and malicious, and created and fostered an atmosphere and environment conducive to and condoning defamation against white males and violating their civil rights. Defendant individual agent/ employees were in uniform and was acting under of color of law, Maryland State, Frederick County and FCPS when their agents / employees, falsely defamed (libel and slander) and assaulted Plaintiff, against his will, civil rights and rights to privacy and personal integrity. Defendants also discriminated against Plaintiff in allegedly investigating Vince Flook III for a racial slur and punishing him, while ignoring Plaintiffs' allegation of being the victim of a verbal threat, vile, racial slur and racial assault by E.J. Wallace, Defendants' agent and employee in violation of Defendants' obligations and duties as mandatory reporters and legal obligation to not discriminate on the basis of race. Defendants acted jointly and in concert with each other and conspired to cover up a racial assault and assault by an adult against a minor child and committed a overt act of conspiracy when their breached their duty as mandatory reporters and failed to report the abusive and/or criminal conduct of their employee and failed to investigate him and instead investigated and punished and falsely defamed Plaintiff and his family. Plaintiff as an athlete lost invaluable playing time on the football field and suffered irreparable harm in missing 2 football games that he could have used film from to obtain football scholarships and higher educational opportunities which because of Defendants' actions are forever lost to Plaintiff.~~
68. ~~As a direct result and proximate result of Defendants' conduct, Plaintiffs were caused to suffer \$100,000,000 (one hundred million dollars) in economic and non-economic damages.~~

~~WHEREFORE, Plaintiffs demand a monetary judgment, equitable relief, punitive damages, and other relief against Defendants as set forth in the Prayer for Relief.~~

COUNT VI
PUNITIVE DAMAGES
(Plaintiffs V. Defendants)

69. Plaintiffs incorporates by reference the allegations contained in paragraphs 1 through 67.
70. Defendants' agent / employee E.J. Wallace intentionally, unlawfully and without provocation, threatened to physically harm Plaintiff, and then Defendants did defame libel/ slander Plaintiffs, discriminated against them and violated their civil rights without their consent, causing significant and reasonable fear of psychological, economic emotional harm and mental injuries and was conducted unlawfully under color of law.

Defendant's E.J. Wallace's statement to a minor "Shut yo Bitch Ass Up Nigga", is a vile and terrible, racial assault, racial slur and threat of violence of a minor beyond the pale.

71. Defendants intentionally, unlawfully and without provocation, harmfully threatened and defamed Plaintiffs assaulted Plaintiff and made an offensive threat violating Plaintiff without his consent, causing significant psychologically and emotional mental injuries. Defendant E.J. Wallace verbally threatened Plaintiff with physical harm to him, and appeared to have the present ability to make good and carry out his threats of violence, while he falsely defamed plaintiff.
72. Defendants' conduct directly and proximately caused Plaintiffs to suffer severe psychological, emotional and financial harm, and violated their civil rights.
73. Defendants' actions, assaults, acts of defamation, discrimination threats of violence, and the failure to supervise Defendants employees / agents for their intentional and wanton and willful conduct of the Defendants' personnel and in failing to take corrective action against employees / agents despite having actual and/or constructive knowledge of the their actions of the history of Frederick High players calling opposing players of all races racial slurs during football games thereby creating an atmosphere condoning false racial allegations against whites, and in allegedly attempting to cover up the defamation and assaults are egregious, malicious, and warrant punitive damages, and Defendants, as a result of their Respondeat Superior relationship to Defendant E.J. Wallace and other employees / agents and their general negligence and negligent retention, supervision, and hiring of Defendant E.J. Wallace and other employees / agents, are liable for punitive damages. The conduct of E.J. Wallace, under the color of law is outrageous, notorious, malicious, malevolent, grossly negligent and evil. Plaintiffs as a direct and proximate result of Defendants' conduct were caused to suffer damages, economically, emotionally and financially.

WHEREFORE, Plaintiffs demands a monetary judgment, equitable relief, and other relief against Defendants for their malicious, wanton, willful, evil motive and conduct as set forth in the Prayer for Relief.

COUNT VII
CIVIL CONSPIRACY

(Plaintiffs v. Defendants)

74. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 72.
75. That Defendant E.J. Wallace assaulted, threatened and defamed Plaintiff Vince Flook III, while acting as an agent /employee of Defendants FCPS, Frederick Board of Education and Frederick High. E.J. Wallace's verbal threat " Shut yo Bitch Ass Up Nigga" to Plaintiff Vince Flook III , was an actionable criminal act, and racial assault, on Defendants' real property. Defendants agreed to and acted in concert with each other to accomplish the unlawful act of failing to report abuse or threats of violence against a minor, and used unlawful means to defame, stigmatize and destroy or lynch Plaintiffs' character and reputation in the Frederick community.
76. That Defendants witnessed and/or knew of the assaults and defamation and threats of violence against Plaintiff by Defendant E.J. Wallace , but failed to file any incident reports and/or investigate Plaintiff's report of violence and racial slurs being hurled at him while on Defendants real property and under the auspices of a football game sanctioned by Defendants. Rather through their silence and cover up of E.J. Wallace's criminal conduct and racial slur against Plaintiff helped and/or assisted Defendant E.J. Wallace's racial hoax , assaults and defamation and threats against Plaintiff and violated Plaintiffs' civil rights. Defendants actions and omissions also violated their duty as mandatory reporters under MD law and statute, regarding acts of abuse or violence against minors when made aware.
77. That there was an agreement amongst Defendants to not report the racial assault , assaults, and/or threats of violence against Plaintiff and an agreement to cover up Defendant E.J. Wallace's assaults, racial assaults , and threats of violence directed at Plaintiff. Defendants committed overt acts in furtherance of their conspiracy by intentionally failing to report and failing to investigate the actions of their employee and choosing to defame and punish Plaintiff, Vince Flook III for a false racial slur he never uttered.
78. That Defendants agreement to not report assaults, racial assaults , and threats of violence and failure to provide Plaintiff with help and instead falsely and recklessly stating and labeling Plaintiff Vince Flook III as the " racist" and calling blacks "niggers" falsely was reckless and malicious, and was in furtherance of an unlawful act, and contrary to their legal and moral, ethical duty to report incidents of assaults, threats of violence and abuse of minors to the appropriate authorities.
79. Defendants agreement not to report assaults, racial assault, threats of violence by

Defendants against Plaintiff and cover up the assaults, racial assault, and threats of violence, was with the intent to cover up the assaults, racial assaults, and threats of violence against Plaintiff and to avoid reporting improper actions and out of the fear of prosecution or punishment. This agreement and conduct violates the laws of Maryland and Federal law.

80. Defendants' agreement and cover up directly and proximately caused Plaintiff to suffer emotional and psychological harm and economic and non-economic damages.
81. Defendants knew or should have known of the pattern of conduct involving Frederick High football players to indiscriminately hurl racial slurs around during games and make up false allegations of racism by opposing white teams of all sports in Frederick county.
82. Defendants through conscious ignorance had an implied agreement to cover up improper behavior of staff and to allow the assault and defamation to go on without correction, so as to not endanger their status quo. This agreement, cover up and conduct put people like Plaintiff at risk of harm of harm, unreasonably and the racial assault by Defendants' employees and agents, created an environment and atmosphere at Defendant's workplace, whereby employee / agent assaults and defamation, including Plaintiff, would be condoned, ignored, and/or unpunished, and was made and involved all named Defendant's herein. Defendants in the ultimate act of outrage defamed Plaintiff and damaged his character and reputation in the community by falsely labeling him as a racist, and calling black Frederick High football players "nigger". Defendants actions were committed with the intent to lynch Plaintiffs' character and reputation in the Frederick community and subject them to public scorn, hatred and the potential of physical violence by members of the public.
83. Defendants agreement and cover up of the defamation, racial assault and slur by Defendants' agents and employees, directly and proximately caused Plaintiffs to be at risk of harm and suffer psychological and emotional harm and suffer economic and non-economic damages, and created an environment for this sort of violence and violations of civil rights to flourish.
84. Defendants and cover up of Defendants' employee / agents actions of assaults, and threats and defamation of Plaintiffs was with the intent to allow criminal activity to continue in the State of Maryland and Frederick County and FCPS and Defendants conduct, agreement, and cover up of assaults, and defamations, was/is improper, illegal and violates State of MD and Federal law. As a direct and proximate result of Defendants conduct, Plaintiffs were caused to suffer \$100,000,000. (one hundred million dollars) in economic and noneconomic damages.

WHEREFORE, Plaintiffs demand a monetary judgment, equitable relief and other relief against Defendants as set forth in the Prayer for Relief.

COUNT VIII

DEFAMATION : LIBEL

(Plaintiffs v. Defendants)

85. Plaintiffs incorporate by reference the allegations contained in paragraphs 1-83.
86. Defendants FCPS and Frederick Board of Education made a false statement of fact about Plaintiffs , that exposed the Plaintiffs to public scorn, hatred, contempt and ridicule thereby discouraging others in the community from having a good opinion of , or from associating or dealing with Plaintiffs, Vince Flook III and his family.
87. Defendants' false statement of fact about Plaintiff , Vince Flook III was in writing .
88. Defendants in a September 27, 2021 letter / report about Plaintiff , Vince Flook III stated “ There is not consistent evidence to indicate the “ N*****” word came from another Party” [except Vince Flook III].
89. Defendants' written statement was communicated to third parties and was leaked into the community, and Defendants suspended Plaintiff as a result of the libelous statement and false conclusion that only Vince said “Nigger” and called black football players from Frederick High “Nigger”.
90. As a direct and proximate result of Defendants' libel Plaintiff Vince Flook III and his family suffered economic and noneconomic damages and suffered public scorn , ridicule, hatred , and contempt in the Frederick Community.
91. Defendants' libel directly and proximately resulted in signs to be written by members in the public saying “ Vince is a Racist” and was displayed at Oakdale High. As a direct and proximate result of Defendants' libel and defamation, mobs of students from Oakdale High and Frederick High called Plaintiffs racists, and sought them out for acts of violence due to Defendants' act of defamation and libel.
92. Defendants' libel insinuated that Plaintiff learned to be a racist from his family, and they taught him to be a racist which was false, and they condoned racism explaining his alleged casual use of “ Nigger” at a football game and calling Black players “Nigger” in the handshake line. Defendants knew and it was completely foreseeable and expected that the type of harm, and hatred that Plaintiffs' experienced would follow Defendants' act of defamation and Defendants' acted recklessly with complete disregard for the truth and the harm that Plaintiffs would experience.
93. As a direct and proximate result of Defendants' conduct, Plaintiffs were caused to suffer \$100,000,000 (one hundred million dollars) in economic and noneconomic damages, and loss of reputation in the community.

94. WHEREFORE, Plaintiffs demand a monetary judgment , equitable relief, and other relief against Defendants as set forth in the Prayer for Relief.

COUNT IX

DEFAMATION : SLANDER

(Plaintiffs v. Defendants)

95. Plaintiffs incorporate by reference the allegations contained in paragraphs 1-93.
96. Defendants (ALL Named) made a false statement of fact about Plaintiff Vince Flook III that exposed the Plaintiffs to public scorn, hatred , contempt, or ridicule, thereby discouraging others in the community from having a good opinion of, or from associating or dealing with , the Plaintiffs.
97. Defendants’ defamation and false statement of fact about Vince Flook III was oral/ verbal.
98. Defendants individually and collectively said Plaintiff Vince Flook III called black football players from Frederick High “ nigger”. This statement of fact about Plaintiff Vince Flook III was false and defamatory, and communicated to third persons in the public and community.
99. As a direct and proximate result of defendants’ defamation and slander Plaintiffs were caused to suffer damages and suffer loss of reputation in the community, resulting in \$100,000,000 (one hundred million dollars), in economic and noneconomic damages.
100. Defendants defamation and slander resulted in Plaintiffs being hounded and harassed by the public, threats of violence being issued against them by students and others from Frederick High, and Oakdale high, and vile signs being crafted by members in the public calling Plaintiff Vince Flook III a “racist”. All false statements of fact.
101. Defendants actions and omissions intentionally, and or negligently and recklessly without regard to the truth created a horrendous , and insidious lie about Plaintiffs and created and/or fostered an atmosphere of hate against Plaintiffs in the community.
102. Defendants’ defamation libel/ and slander lynched Plaintiff Vince Flook III’s reputation, and subjected him to a campaign of harassment and hate by the public, by creating an environment whereby Plaintiff was falsely characterized as a “racist” as a direct and proximate result of Defendants’ race hoax, conspiracy and cover up of Defendants’ E.J. Wallace’s racial assault and verbal assault and abuse of a minor, Plaintiff Vince Flook III.
103. Defendants’ action and omissions as well as their conclusions and defamation libel/

slander were evident and clearly wrong as anecdotal evidence in existence at the time of Defendants' tortious conduct would have reasonably informed Defendants had Plaintiff indeed called numerous black football players from Frederick High "nigger", a physical confrontation at the least and at most a highly , violent and mob assault would have ensued. NOTHING HAPPENED in the aftermath of Plaintiff's alleged numerous racial slurs to Frederick High football players. This is an inexplicable fact. This is clear and convincing evidence that Defendants defamed and libeled and slandered Plaintiffs. Plaintiffs were harmed , damaged and suffered special damages from Defendants individual and collective slander, and racial hoax campaign against Plaintiffs. Defendants actions were designed to stigmatize and label Plaintiff as a racist from a family of racists and lynch their character and reputation in the Frederick community.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for a monetary judgment and other relief:

1. Award each of the Plaintiffs compensatory economic and non-economic damages in the sum of one hundred million dollars (\$100,000,000) , jointly and severally against all Defendants, and a Trial by Jury.
2. ~~Award Plaintiffs the reasonable costs and reasonable attorney's fees in this action under 42 USC 1983, and Defamation (libel and slander).~~
3. Award Plaintiffs Special damages under Slander as may be just and appropriate.
4. Award Plaintiffs punitive damages for the intentional, grossly negligent and highly malicious conduct described herein to punish and deter future evil acts of this sort, in the amount of \$300,000,000. (Three Hundred million dollars).
5. And granting each Plaintiff such other and further relief as may be just and appropriate by the Court.
6. ~~Award reasonable Attorney Fees as allowed specifically under 42 USC statue 1983.~~

Respectfully submitted,

/ S /

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